

## REMARKS

Applicant would like to thank the Examiner for the courtesy shown during two telephone interviews to discuss claim amendments intended to put the application in condition for allowance.

Claims 1-14 are pending in the application. Claims 1- 14 stand rejected in the referenced office action.

Claims 1, 5, 8 and 11 are independent claims. Independent claim 1 has been amended to clarify the claim language. Applicant notes that the amendment to claim 1 explicitly defines the claim as including something that was believed to be implicit by the Applicant and not considered to be so by the Examiner. Applicant believes that this is not a narrowing amendment under *FESTO CORP. V. SHOKETSU KINZOKU KOGYOKABUSHIKI CO.* 535 U.S. 722 (2002).

Independent claims 5 has been amended in a manner similar to independent claim 1.

Claims 8-11 have been canceled.

Independent claim 11 has been amended to specify the use of a single fastener.

No new matter has been added by the amendments. The Examiner's objections and rejections are addressed below in substantially the same order as in the office action.

## **REJECTIONS UNDER 35 USC § 102**

Claims 1, 2, 5-7 and 11-12 are rejected under 35 USC § 102(b) as being anticipated by Holland (US 5,991,920). Claims 1 and 5 are independent claims,

Independent claims 1 and 5 have been amended to specifically state that the first and second parts of the swimsuit body that are detachably coupled are not on the loop. The interpretation of claims 1 and 5 in § 3 of the referenced office action required that at least one of them be on the loop 3.

In order for a claimed invention to be anticipated by a prior art reference under 35 USC § 102, the prior art reference must disclose each and every element of the claim arranged as in the claim. This is clearly lacking in the present case. Accordingly, applicant respectfully submits that claim 1 and claims 2-4 that depend upon claim 1 are patentable under 35 USC § 102 over *Holland*.

In addition, there is no teaching or suggestion in *Holland* or the prior art of record of having a swimsuit that includes a fastening device that couples one part of a swimsuit body to another part of the swimsuit body, together with the remaining limitations of claim 1. Accordingly, applicant further submits that claim 1 and claims 2-4 that depend upon claim 1 are also patentable under 35 USC § 103 over *Holland* and the prior art of record.

Accordingly, applicant further submits that claim 5 and claims 6-7 that depend upon claim 5 are patentable under 35 USC §§ 102-103 over *Holland* and the prior art of record for the same reasons that claim 1 is patentable under 35 USC §§ 102-103 over *Holland* and the prior art of record.

Claim 11 has been amended to specify the use of a single fastener. In addition to all the arguments made earlier regarding the *Holland* reference, it is clear that the reference teaches the use of two fasteners.

In order to sustain a rejection under 35 USC § 102, a single prior art reference must disclose each and every element of the claimed invention arranged as in the claim. This requirement is clearly not met in the present instance. Accordingly, claim 11 and claims 12-14 that depend upon claim 11 are patentable under 35 USC §102 over *Holland*.

In addition, there is no teaching or suggestion in *Holland* of the particular element of claim 11 discussed above. Accordingly, claim 11 and claims 12-14 are also patentable under 35 USC §103 over *Holland*.

#### **REJECTIONS UNDER 35 USC § 103**

Claims 3, 4, and 13-14 are rejected under 35 USC § 103(a) as being unpatentable over *Holland*.

The patentability of claims 3 and 4 has been addressed above in the discussion of the rejection of claim 1 under 35 USC § 102.


The patentability of claims 13 and 14 has been addressed above in the discussion of the rejection of claim 11 under 35 USC §102.

Claims 8-11 stand rejected under 35 USC §103 over *Holland* in view of *Ortmeier* (US6018823). Claims 8-11 have been canceled.

For all the foregoing reasons, Applicant submits that the application is in a condition for allowance. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. **13-0010 (HOL-1002CP)**.

Respectfully submitted,

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